

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24995 of 2025

Arising Out of PS. Case No.-110 Year-2023 Thana- COMPLAINT CASE District- Sheohar

Devendra Prasad, Male, aged about 60 years, S/O Late Ramswaroop Prasad
Resident of Village- Belahiya, P.S- Tariyani Chhapra, Distt.- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar Singh S/O Damodar Singh R/O Village- Chhatauni, P.S- Tariyani Chhapra, Dist.- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2025 Heard Ms.Madhubala Verma, learned counsel

appearing on behalf of the petitioner and Mr. Binod Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. C1-110/23 registered for the
offence(s) punishable under Sections 406, 420, 323, 307, 379,
504, 506/34 of the IPC

3. As per the allegation made in the FIR, the
petitioner has taken Rs.2,50,000/- from the complainant on the
assurance that he will return the same within six months. When
the complainant asked the petitioner to return the aforesaid
amount, then the petitioner assaulted the complainant and also



snatched Rs.75,000/- from him.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that petitioner was unemployed and during the said period, he was an agent of Sahara India and the complainant took a policy through petitioner. In terms of the policy, the petitioner was required to pay premium of Rs.10,000/- per year. Policy was for a period of 20 years and total maturity amount which was to be returned to the complainant was rupees four lacs. The petitioner has admitted that the policy was surrendered before the maturity date for which the complainant has already received a sum of Rs.1,56,545.14 after deducting as per the terms and conditions of the policy. At the time the policy was surrendered, complainant had only deposited Rs.90,000/-. The petitioner became teacher in the year 2010 and has now retired. While the petitioner was a teacher, the complainant lodged frivolous case against the petitioner alleging that the petitioner had taken Rs.2,50,000/- from him. The petitioner has also lodged a complaint case bearing complaint petition C1-42/23 on 09.02.2023 against the complainant and after two months, the present complaint petition was lodged by the complainant.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner was an agent and during the relevant time, the complainant had purchased the policy in the name of Sahara Life. The maturity period was of 20 years and in the meantime, the complainant surrendered and the maturity amount as on date of surrender was given to the complainant in terms of the policy which was agreed by the complainant. I find that the petitioner was known to the complainant and sensing some foul play, he had lodged a complaint petition No. C1-42/23 and subsequent to the said complaint, the complainant lodged the present complaint in which the petitioner is seeking pre-arrest bail. It is well settled that for realization of money, the trend is to lodge a criminal complaint or lodge an FIR. In the present case also, I find that if there is any dispute relating to the transaction of Rs.2,50,000/- between the parties, the same can be resolved amicably taking into account the law laid down by the Apex Court in the case of ***Bimla Tiwari vs. State of Bihar & Ors.*** passed in ***SLP (Crl.) Nos. 834-835 of 2023***. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar / Concerned Court in connection with Complaint Case No. C1-110/23, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Purnendu Singh, J)

Sanjay/-

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